



August 6, 2008

To: Metropolitan Policy Committee
From: Byron Vanderpool, Government Services Director
Subject: Item 4a: Conflict Resolution: Metro Plan Amendment and Rezone for Delta Sand and Gravel Expansion Site—Eugene City Council vote to deny, Lane County Board of Commissioners vote to approve

Background

Per the attached memorandum from City of Eugene Senior Planner Kurt Yeiter, dated August 1, 2008, a plan amendment proposed by Delta Sand and Gravel was approved by the Board of County Commissioners and denied by the Eugene City Council. In this instance, the provisions of Eugene Code Section 9.7740(5) and Lane County Code 12.235 (5) apply:

“Conflict Resolution Process. The following process shall be used when the governing bodies do not enact identical decisions on the proposed Metro Plan amendment:

- (a) The Metro Plan amendment shall be referred to the metropolitan policy committee within 5 days after the last governing body action. The metropolitan policy committee shall meet within 30 days of the referral to hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons. The committee may develop a recommendation to the governing bodies on the proposed amendment. The Metro Plan amendment shall be denied if the committee fails to act within 30 days of the referral date or if the governing bodies fail to adopt identical plan amendment actions within 45 days of receiving a recommendation from the committee.
- (b) If the plan amendment is denied because of lack of consensus or committee inaction, within 5 days the planning director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by 1 or both of the governing bodies. The decision of the planning director is final.”

The responsibilities of the MPC are given additional detail by the Bylaws of the Metropolitan Policy Committee, as amended by MPC on February 13, 2003.

- "To fulfill the functions of MPC, as outlined in the Eugene-Springfield Metropolitan Area General Plan, and to resolve intergovernmental land use issues."
- Article III Membership: "For all matters before MPC, Eugene, Springfield and Lane County shall each select two elected officials from their respective jurisdictions as voting members."
- Article IV Meetings: "All formal actions shall require the vote of at least a simple majority of the quorum present and the affirmative vote of at least one elected representative from Eugene, Springfield, and Lane County. In the case of a tie vote, the issue shall be considered unresolved and may be voted upon again."

A public hearing has been scheduled to accommodate the requirement to "hear comments on the proposed amendment from the applicant, staff of the affected jurisdictions, and interested persons." Notice of the hearing has been sent to the applicant and the interested parties list maintained by Lane County (as Home Jurisdiction).

Staff from Lane County and the City of Eugene will be present to answer any questions on the process to date.

MPC does not have the authority to approve or deny the application itself. For the purposes of this discussion, MPC membership is limited to the representatives of Eugene, Springfield, and Lane County.

Options

In their role of conflict resolution, MPC can choose to:

- Develop a process to resolve the dispute, for example by meeting with a group of key stakeholders to obtain more information and/or to develop compromise amendment language; or
- Determine that there is a lack of consensus and take no further action on this issue.

Attachments

1. Referral Memorandum Dated August 1, 2008
2. Lane County Ordinance No. PA 1238
3. City of Eugene Ordinance No. 20413